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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal (C) No.48 of 2006

Appellants
Claimants

Smt. Durapati Bai, W/o Chandra
Prakash Sahu, Aged about 32 years,
R/o In front of school Pahadipara
Sanongari, P.S. Amanaka, Raipur,
Tahsil and District Raipur (CG)

versus

Respondents
Non-Applicants

1. Raj Kumar Vishwakarma,
S/o Sewa Ram Vishwakarma, R/o,
Village Kandel, P.S. Arjuni, Tah.
Dhamatari, Distt. Dhamatari (C.G.)
2. Ghanshyam Prasad Kashyap,
S/o Mahendra Prasad Kashyap,
R/o Village & Post Chhati, Tahsil
Kurud, Distt. Dhamatari (C.G.)
3. The Oriental Insurance Company
Limited, Branch Office, Dhamatari, By
Divisional Manager, Divisional Office,
Kachahari Chowk, Jail Road, Raipur
(C.G.)

Memorandum of appeal under Section 173 of the Motor Vehicles Act, 1994

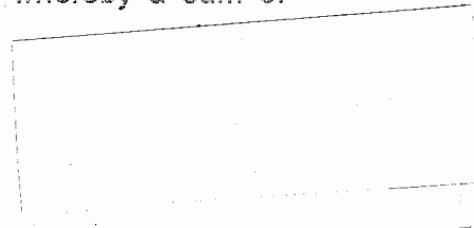
Present : Shri S.C. Verma, counsel for the appellant.
Shri S.P.Sahu, counsel for respondents No.1 & 2.
Shri A.K. Athaley, counsel for the respondent No.3/insurance
company.

ORAL ORDER

(Passed on 14th August, 2007)

Heard.

(2) Being aggrieved by the impugned award dated 29-04-2006 passed by
the Fourteenth Additional Motor Accidents Claims Tribunal, F.T.C., Raipur
(henceforth 'the M.A.C.T.') in Claim Case No.45/2006, whereby a sum of



Rs.49,000/- has been awarded towards compensation, the appellant/claimant has preferred this appeal for enhancement of the compensation.

(3) During the course of arguments, a settlement was arrived at whereunder the insurance company agreed to pay a sum of Rs.40,000/- in addition to the compensation already awarded by the M.A.C.T. by depositing the same within a period of two months from today.

(4) Shri S.C. Verma, learned counsel for the appellant/claimant agrees to the settlement.

(5) In view of the settlement arrived at, the award passed by the M.A.C.T. is modified and an additional sum of Rs.40,000/- over and above the sum already awarded by the M.A.C.T. is awarded as compensation to the appellant/claimant. After adjusting the compensation already paid, the respondent No.3/insurance company shall deposit a sum of Rs.40,000/- with the M.A.C.T. within a period of two months from today, failing which, it shall also be liable to pay interest at the rate of 8% per annum from the date of application till realisation.

(6) With the aforesaid direction, the miscellaneous appeal stands disposed of. A copy of this order be sent to the M.A.C.T. forthwith. The M.A.C.T. shall on deposit of compensation ensure:

- (A) that the claimant/appellant is noticed about the award and to appear before the M.A.C.T., in person along with her pass book of an account in a nationalized bank,
- (B) that the pass book of the claimant is accompanied by the photograph and is duly verified by the bank and the same is also verified by the M.A.C.T. before issuance of cheque,

- (C) that a direction is issued to the concerned bank not to release the amount in favour of any person, other than the claimant unless ordered by the M.A.C.T.,

Sd/-
Dilip Raosaheb Deshmukh
Judge

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